

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 5-CA-36088

**NATIONAL ASSOCIATION OF LETTER
CARRIERS, LOCAL 326, AFL-CIO**

DECISION AND ORDER

Statement of the Case

On February 11, 2011, the United States Postal Service (the Respondent), National Association of Letter Carriers, Local 326, AFL-CIO, (the Charging Party), and the Acting General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

¹ Chairman Liebman notes that the remedy to which the parties have agreed is not fully consistent with previous broad orders that Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-17383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect. However, because all parties have agreed to the terms of this Formal Settlement Stipulation, Chairman Liebman has determined that approval of the parties' settlement will effectuate the purposes of the Act. The Board's approval of this stipulation does not modify these orders in any respect.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including its facilities in Petersburg, Virginia, the only facilities involved in this proceeding.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act.

2. The labor organization involved

At all material times, the National Association of Letter Carriers, Local 326, AFL-CIO, has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, its officers, agents, successors and assigns, shall

1. Cease and desist from

(a) Failing and refusing to bargain collectively in good faith with the National Association of Letter Carriers, Local 326, AFL-CIO, as the exclusive collective-bargaining representative of employees in the unit as described in Article I of the collective-bargaining agreement by refusing to provide and/or provide in a timely manner information relevant to the processing of grievances or the administration of the collective-bargaining agreement between the Respondent and the Charging Party.

(b) In any like or related manner, interfering with, restraining, or coercing its employees in the exercise of their right to self-organization, to form labor organizations, to join or assist the National Association of Letter Carriers, Local 326, AFL-CIO, or any other labor organization, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

2. Take the following affirmative action which the National Labor Relations Board finds will effectuate the policies of the National Labor Relations Act, as amended:

(a) Within 14 days of service by the Region, post at its Petersburg, Virginia facilities copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by Region 5, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(b) Within 14 days of service by the Region, and to the extent not already provided, furnish to the Union:

(i) The following information, which was requested by the Union on or about July 14, 2010:

- A. Any and all information and documents, including pre-discipline interviews, taken into consideration by management in reaching its decision to impose disciplinary action on June 25, 2010, and July 2, 2010, on employees John F. Kennedy, Felix Ceaser, Astrid Watson-Roney, and Donald Charles;
- B. The TACS report/clock rings for dates July 3, 2010 through July 9, 2010 for all letter carriers; and
- C. A copy of the schedule for dates July 3, 2010 through July 9, 2010.

(ii) The following information, which was requested by the Union on or about July 20, 2010:

- A. Any and all information and documents, including pre-discipline interviews, taken into consideration by management in reaching its decision to impose disciplinary action on June 29, 2010, July 6, 2010, and July 8, 2010, on employees George Perkinson, Astrid Watson-Roney, and Donald Charles;
- B. Copies of the vehicle utilization daily report for all letter carriers at the Petersburg, Virginia office for March 11, 2010;
- C. Copies of the MSP Carrier Report for all letter carriers for March 11, 2010;
- D. Copies of PS Form 3971 for carrier Donald Charles for all dates cited in the discipline issued on July 6, 2010; and
- E. Copies of PS Form 3971 for carrier Astrid Watson-Roney for all dates cited in the discipline issued on July 8, 2010.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., April 5, 2011.

Wilma B. Liebman, Chairman

Craig Becker, Member

Brian E. Hayes, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
To choose not to engage in any of these protected activities.

In recognition of our employees' rights:

WE WILL NOT fail and refuse to bargain collectively in good faith with **NATIONAL ASSOCIATION OF LETTER CARRIERS LOCAL 326, AFL-CIO** as the exclusive collective-bargaining representative of employees in the unit described in Article I of the collective-bargaining agreement by refusing to provide and/or provide in a timely manner information relevant to the processing of grievances or the administration of the collective-bargaining agreement.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL, within 14 days, furnish **NATIONAL ASSOCIATION OF LETTER CARRIERS LOCAL 326, AFL-CIO**, to the extent not already furnished, the information listed below that it requested on July 14, 2010:

- Any and all information and documents, including pre-discipline interviews, taken into consideration by management in reaching its decision to impose disciplinary action on June 25, 2010, and July 2, 2010, to employees John F. Kennedy, Felix Ceaser, Astrid Watson-Roney, and Donald Charles;
- The TACS report/clock rings for dates July 3, 2010, through July 9, 2010 for all letter carriers; and
- A copy of the schedule for dates July 3, 2010, through July 9, 2010.

WE WILL, within 14 days, also furnish **NATIONAL ASSOCIATION OF LETTER CARRIERS LOCAL 326, AFL-CIO**, to the extent not already furnished, the information listed below that it requested on July 20, 2010:

- Any and all information and documents, including pre-discipline interviews, taken into consideration by management in reaching its decision to impose disciplinary action on June 29, 2010, July 6, 2010, and July 8, 2010, to employees George Perkinson, Astrid Watson-Roney, and Donald Charles;
- Copies of the vehicle utilization daily report for all letter carriers at the Petersburg, Virginia office for March 11, 2010;
- Copies of the MSP Carrier Report for all letter carriers for March 11, 2010;
- Copies of PS Form 3972 for carrier Donald Charles for all dates cited in the discipline issued on July 6, 2010; and
- Copies of PS Form 3971 for carrier Astrid Watson-Roney for all dates cited in the discipline issued on July 8, 2010.

UNITED STATES POSTAL SERVICE

(Respondent)